

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. This Amendment should be entered under Rule 116 because it places this application in condition for allowance.

Claims 13-25 remain pending in the application. Claims 13-15, 22 and 25 have been amended.

Applicants appreciatively note that claims 13, 22 and 25 would be allowed if amended to overcome the rejections under 35 USC 112, second paragraph. Claims 13, 22 and 25 have been amended according to the Examiner's suggestion and are believed to overcome the rejections. Therefore, claims 13, 22 and 25 should be allowed. Also, the dependent claims which are dependent on claims 13 and 22 should also be allowed.

The rejections of claims 13-25 under 35 USC 112, second paragraph as being indefinite are noted. As discussed above, the rejections of claims 13, 22 and 25 should be withdrawn.

Further, it is noted that items 10 and 12 have not been checked on the Office Action Summary of the Office Action mailed on June 2, 2009. The Examiner is respectfully requested to acknowledge (i) the acceptance of the drawings and (ii) the claim for foreign priority, corresponding to items 10 and 12 of the Office Action Summary. The drawings were submitted on April 7, 2006 as evidenced by the attached copy of the date-stamped return receipt and a copy of the Image File Wrapper from Private Pair. Priority was claimed on April 7, 2006. A copy of the executed Declaration, Filing Receipt and Notice of Acceptance are also enclosed reflecting the same.

All rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN HAM & BERNER, LLP**



Kenneth M. Berner  
Registration No. 37,093

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Date: September 23, 2009  
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10/575,075 Method For Pre-Detecting Responses in a Secondary Radar or Application to the Detection of Mode S Responses

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|-----------------|------------------|---------------------|--------------------|-----------------|------------------|---------------------|--------------------------|-------------|--------------------|--------------------|
| Select New Case | Application Data | Transaction History | Image File Wrapper | Continuity Data | Foreign Priority | Published Documents | Address & Attorney/Agent | Assignments | Display References | Publication Review |
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## Available Documents

| Mail Room Date | Document Code | Document Description  | Document Category | Page Count | PDF                        |
|----------------|---------------|---|-------------------|------------|----------------------------|
| 06-02-2009     | CTFR          | Final Rejection   | PROSECUTION       | 5          | <input type="checkbox"/>   |
| 06-02-2009     | FWCLM         | Index of Claims   | PROSECUTION       | 1          | <input type="checkbox"/>   |
| 06-02-2009     | SRFW          | Search information including classification, databases and other search related notes | PROSECUTION       | 1          | <input type="checkbox"/>   |
| 02-10-2009     | A...          | Amendment/Req. Reconsideration - After Non-Final Reject                               | PROSECUTION       | 1          | <input type="checkbox"/>   |
| 02-10-2009     | CLM           | Claims  | PROSECUTION       | 4          | <input type="checkbox"/>   |
| 02-10-2009     | REM           | Applicant Arguments/Remarks Made in an Amendment                                      | PROSECUTION       | 1          | <input type="checkbox"/>   |
| 02-10-2009     | XT/           | Extension of Time   | PROSECUTION       | 2          | <input type="checkbox"/>   |
| 02-10-2009     | WFEE          | Fee Worksheet (PTO-875)   | PROSECUTION       | 2          | <input type="checkbox"/>   |
| 02-10-2009     | N417          | EFS Acknowledgment Receipt  | PROSECUTION       | 2          | <input type="checkbox"/>   |
| 02-10-2009     | WFEE          | Fee Worksheet (PTO-875)   | PROSECUTION       | 1          | <input type="checkbox"/>   |
| 10-10-2008     | CTNF          | Non-Final Rejection   | PROSECUTION       | 5          | <input type="checkbox"/>   |
| 10-10-2008     | 892           | List of references cited by examiner  | PRIOR ART         | 1          | <input type="checkbox"/>   |
| 10-10-2008     | BIB           | Bibliographic Data Sheet  | PROSECUTION       | 1          | <input type="checkbox"/>   |
| 10-10-2008     | SRNT          | Examiner's search strategy and results  | PROSECUTION       | 2          | <input type="checkbox"/>   |
| 10-10-2008     | 1449          | List of References cited by applicant and considered by examiner                      | PRIOR ART         | 2          | <input type="checkbox"/>   |
| 10-10-2008     | SRFW          | Search information including classification, databases and other search related notes | PROSECUTION       | 1          | <input type="checkbox"/>   |
| 10-10-2008     | FWCLM         | Index of Claims   | PROSECUTION       | 1          | <input type="checkbox"/>   |
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| 10-10-2008     | SRNT          | Examiner's search strategy and results  | PROSECUTION       | 10         | <input type="checkbox"/>   |
| 10-02-2008     | NTC.PUB       | Notice of Publication   | PROSECUTION       | 1          | <input type="checkbox"/>   |
| 06-23-2008     | M903          | Notice of DO/EO Acceptance Mailed   | PROSECUTION       | 2          | <input type="checkbox"/>   |
| 06-23-2008     | APP.FILE.REC  | Filing Receipt  | PROSECUTION       | 3          | <input type="checkbox"/>   |
| 03-12-2007     | STATUS.LET    | Request for status of Application   | PROSECUTION       | 1          | <input type="checkbox"/>   |
| 04-07-2006     | TRNA          | Transmittal of New Application  | PROSECUTION       | 2          | <input type="checkbox"/>   |
| 04-07-2006     | SPEC          | Specification   | PROSECUTION       | 12         | <input type="checkbox"/>   |
| 04-07-2006     | CLM           | Claims  | PROSECUTION       | 3          | <input type="checkbox"/>   |
| 04-07-2006     | ABST          | Abstract  | PROSECUTION       | 1          | <input type="checkbox"/>   |
| * 04-07-2006   | DRW           | Drawings-only black and white line drawings   | PROSECUTION       | 7          | * <input type="checkbox"/> |
| 04-07-2006     | OATH          | Oath or Declaration filed   | PROSECUTION       | 4          | <input type="checkbox"/>   |
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| 04-07-2006     | A.PE          | Preliminary Amendment   | PROSECUTION       | 1          | <input type="checkbox"/>   |
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| 04-07-2006     | SPEC          | Specification   | PROSECUTION       | 13         | <input type="checkbox"/>   |
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| 04-07-2006   | 371P | Documents submitted with 371 Applications      | PROSECUTION | 2  | <input type="checkbox"/>            |
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| 04-07-2006   | 371P | Documents submitted with 371 Applications      | PROSECUTION | 22 | <input type="checkbox"/>            |
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| 04-07-2006   | 371P | Documents submitted with 371 Applications      | PROSECUTION | 1  | <input type="checkbox"/>            |
| 04-07-2006   | ABST | Abstract                                       | PROSECUTION | 2  | <input type="checkbox"/>            |
| 04-07-2006   | 371P | Documents submitted with 371 Applications      | PROSECUTION | 27 | <input type="checkbox"/>            |
| 04-07-2006   | ABST | Abstract                                       | PROSECUTION | 2  | <input type="checkbox"/>            |
| * 04-07-2006 | FRPR | Certified Copy of Foreign Priority Application | PROSECUTION | 30 | <input checked="" type="checkbox"/> |
| 04-07-2006   | WFEE | Fee Worksheet (PTO-875)                        | PROSECUTION | 1  | <input type="checkbox"/>            |
| 04-07-2006   | WCLM | Claims Worksheet (PTO-2022)                    | PROSECUTION | 1  | <input type="checkbox"/>            |
| 04-07-2006   | IMIS | Miscellaneous Internal Document                | PROSECUTION | 1  | <input type="checkbox"/>            |
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|   |                       |                  |
|---|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO.   | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/575,075  | Philippe Jean Billaud | 4590-510         |
| 33308<br>LOWE HAUPTMAN & BERNER, LLP<br>1700 DIAGONAL ROAD, SUITE 300<br>ALEXANDRIA, VA 22314 |                       |                  |
| INTERNATIONAL APPLICATION NO.<br>PCT/EP04/52361   |                       |                  |
| I.A. FILING DATE  | PRIORITY DATE         |                  |
| 09/29/2004  | 10/10/2003            |                  |

**CONFIRMATION NO. 8670**  
**371 ACCEPTANCE LETTER**



Date Mailed: 06/23/2008

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

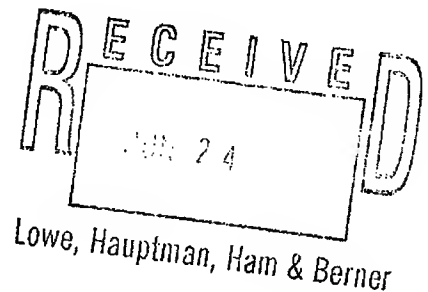
04/07/2006  
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1),  
(c)(2) and (c)(4) REQUIREMENTS

04/07/2006  
DATE OF COMPLETION OF ALL  
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 04/07/2006
- English Translation of the IA filed on 04/07/2006
- Copy of the International Search Report filed on 04/07/2006
- Preliminary Amendments filed on 04/07/2006
- Information Disclosure Statements filed on 04/07/2006
- Oath or Declaration filed on 04/07/2006
- Request for Immediate Examination filed on 04/07/2006
- U.S. Basic National Fees filed on 04/07/2006
- Priority Documents filed on 04/07/2006



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| APPLICATION<br>NUMBER | FILING or<br>371(c) DATE | GRP ART<br>UNIT | FIL FEE REC'D | ATTY. DOCKET NO. | TOT CLAIMS | IND CLAIMS |
|-----------------------|--------------------------|-----------------|---------------|------------------|------------|------------|
| 10/575,075            | 04/07/2006               | 3662            | 900           | 4590-510         | 13         | 1          |

CONFIRMATION NO. 8670

33308  
LOWE HAUPTMAN & BERNER, LLP  
1700 DIAGONAL ROAD, SUITE 300  
ALEXANDRIA, VA 22314

## FILING RECEIPT



OC000000030535479

Date Mailed: 06/23/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon.** If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

## Applicant(s)

Philippe Jean Billaud, Fontenay Aux Roses, FRANCE;  
Claude Rene De Volder, Les Carrieres Auffargis, FRANCE;

**Power of Attorney:** The patent practitioners associated with Customer Number 33308

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP04/52361 09/29/2004

## Foreign Applications

FRANCE 0311893 10/10/2003

**If Required, Foreign Filing License Granted:** 06/17/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/575,075**

**Projected Publication Date:** 10/02/2008

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Method For Pre-Detecting Responses in a Secondary Radar or Application to the Detection of Mode S Responses

**Preliminary Class**

342

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Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

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**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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# Declaration for Patent Application

## Déclaration pour Demande de Brevet

### French Language Declaration

En tant l'inventeur nommé ci-après, je déclare par le présent acte que:

As a below-named inventor, I hereby declare that:

Mon domicile, mon adresse postale et ma nationalité sont ceux figurant ci-dessous à côté de mon nom.

My residence, mailing address and citizenship are as stated next to my name.

Je crois être le premier inventeur original et unique (si un seul nom est mentionné ci-dessous), ou l'un des premiers co-inventeurs originaux (si plusieurs noms sont mentionnés ci-dessous) de l'objet revendiqué, pour lequel une demande de brevet a été déposée concernant l'invention intitulée

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.

et dont la description est fournie ci-joint à moins

the specification of which

- ☐ ci-joint
- ☐ a été déposée le \_\_\_\_\_
- sous le numéro de demande des Etats-Unis ou le numéro de demande international PCT
- \_\_\_\_\_ et modifiée le \_\_\_\_\_
- \_\_\_\_\_ (le cas échéant).

- ☐ is attached hereto.
- ☒ was filed on 29 September 2004
- as United States Application Number or PCT International Application Number
- PCT/EP04/052361 and was amended on \_\_\_\_\_
- \_\_\_\_\_ (if applicable)

Je déclare par le présent acte avoir passé en revue et compris le contenu de la description ci-dessus, revendications comprises, telles que modifiées par toute modification dont il aura été fait référence ci-dessus.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

Je reconnais devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code fédéral des réglementations.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

# French Language Declaration

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Je revendique par le présent acte avoir la priorité étrangère, en vertu du Titre 35, § 119(a)-(d) ou § 365(b) du Code des Etats-Unis, sur toute demande étrangère de brevet ou certificat d'inventeur ou, en vertu du Titre 35, § 365(a) du même Code, sur toute demande internationale PCT désignant au moins un pays autre que les Etats-Unis et figurant ci-dessous et, en cochant la case, j'ai aussi indiqué ci-dessous toute demande étrangère de brevet, tout certificat d'inventeur ou toute demande internationale PCT ayant une date de dépôt précédant celle de la demande à propos de laquelle une priorité est revendiquée.

Prior Foreign Application(s)

Demande(s) de brevet antérieure(s) dans un autre pays.

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| (N° de demande)          | (Date de dépôt)      |

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Revendiqué

|                           |                                     |                          |
|---------------------------|-------------------------------------|--------------------------|
| <u>10 October 2003</u>    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (Day/Month/Year Filed)    | Yes                                 | No                       |
| (Jour/Mois/Anné de dépôt) | Oui                                 | Non                      |
| <br>                      | <input type="checkbox"/>            | <input type="checkbox"/> |
| (Day/Month/Year Filed)    | Yes                                 | No                       |
| (Jour/Mois/Anné de dépôt) | Oui                                 | Non                      |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

|                          |                      |
|--------------------------|----------------------|
| <u>(Application No.)</u> | <u>(Filing Date)</u> |
| (N° de demande)          | (Date de dépôt)      |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

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| <u>(Status: Patented, Pending, Abandoned)</u>    |
| (Statut : breveté, en cours d'examen, abandonné) |

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| <u>(Status: Patented, Pending, Abandoned)</u>    |
| (Statut : breveté, en cours d'examen, abandonné) |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

# French Language Declaration

**COPY**

|  |   |
|--|---|
| Nom complet de l'unique ou premier inventeur | Full name of sole or first inventor<br>BILLAUD PHILIPPE JEAN                |
| Signature de l'inventeur<br>Date             | Inventor's signature<br>Date<br><i>Philippe Billaud</i> 23 March 06         |
| Domicile                                     | Residence<br>92260 FONTENAY AUX ROSES FRANCE                                |
| Nationalité                                  | Citizenship<br>FRENCH   |
| Adresse Postale                              | Mailing Address<br>42 AV DU GENERAL LECLERC 92260 FONTENAY AUX ROSES FRANCE |

|  |   |
|--|---|
| Nom complet du second co-inventeur, le cas échéant | Full name of second joint inventor, if any<br>DE VOLDER CLAUDE RENE               |
| Signature de l'inventeur<br>Date                   | Second inventor's signature<br>Date<br><i>Claude DeVolder</i> 23 March 06         |
| Domicile   | Residence<br>78610 (LES CARRIERES) AUFFARGIS FRANCE                               |
| Nationalité  | Citizenship<br>FRENCH   |
| Adresse Postale                                    | Mailing Address<br>21 CHEMIN DE LA RETENUE 78610 (LES CARRIERES) AUFFARGIS FRANCE |

(Fournir les mêmes renseignements et la signature du troisième co-inventeur et de tout co-inventeur supplémentaire.)

(Supply similar information and signature for third and subsequent joint inventors.)

## Power of Attorney

POUVOIRS: En tant que l'inventeur cité, je désigne par la présente l'(les) avocat(s) suivant(s) pour qu'ils poursuive(nt) la procédure de cette demande de brevet et traite(nt) toute affaire s'y rapportant avec l'Office des brevets et des marques: (mentionner le nom et le numéro d'enregistrement).

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

# 33308

Adresser toute correspondance à:

Send Correspondence to:

**LOWE HAUPTMAN GILMAN & BERNER, LLP**  
**1700 Diagonal Road, suite 300**  
**ALEXANDRIA, Virginia 22314**

Adresser tout appel téléphonique à:  
 (nom et numéro de téléphone)

Direct Telephone calls to: (name and telephone number)

|  |   |
|--|---|
| Nom complet de l'unique ou premier inventeur | Full name of sole or first inventor<br>BILLAUD PHILIPPE JEAN                |
| Signature de l'inventeur<br>Date             | Inventor's signature<br>Philippe Billaud<br>Date<br>23 March 06             |
| Domicile                                     | Residence<br>92260 FONTENAY AUX ROSES FRANCE                                |
| Nationalité                                  | Citizenship<br>FRENCH   |
| Adresse Postale                              | Mailing Address<br>42 AV DU GENERAL LECLERC 92260 FONTENAY AUX ROSES FRANCE |

|  |   |
|--|---|
| Nom complet du second co-inventeur, le cas échéant | Full name of second joint inventor, if any<br>DE VOLDER CLAUDE RENE               |
| Signature de l'inventeur<br>Date                   | Second inventor's signature<br>Claude De Volder<br>Date<br>23 March 06            |
| Domicile   | Residence<br>78610 (LES CARRIERES) AUFFARGIS FRANCE                               |
| Nationalité  | Citizenship<br>FRENCH   |
| Adresse Postale                                    | Mailing Address<br>21 CHEMIN DE LA RETENUE 78610 (LES CARRIERES) AUFFARGIS FRANCE |

(Fournir les mêmes renseignements et la signature du troisième co-inventeur et de tout co-inventeur supplémentaire.)

(Supply similar information and signature for third and subsequent joint inventors.)

COPY

PCT NATIONAL PHASE PATENT APPLICATION

APPLICATION NO. REQUESTED

Docket No.: 4590-510

Application No.

APR 07 2006

Enclosed for filing herewith is a

National Stage Processing Of International Application No. PCT/EP2004/052361

Of (INV.): Philippe BILLAUD et al

Filed September 29, 2004

For (Title): **METHOD FOR PRE-DETECTING RESPONSES IN A SECONDARY RADAR OR APPLICATION TO THE DETECTION OF MODE S RESPONSES**

The PTO stamp hereon acknowledge receipt of:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> PCT National Stage Transmittal Letter, with:                    | <input checked="" type="checkbox"/> English translation of the International application |
| <input checked="" type="checkbox"/> Copy of the International application                           | <input type="checkbox"/> English translation of the International application            |
| Specification, Claims & Abstract (pages 14) & Formal Drawings (sheets 7)                            |  |
| <input type="checkbox"/> Amendment of claims (Article 19)   | <input type="checkbox"/> English translation of Amendments to the claims (Art 19)        |
| <input type="checkbox"/> Int'l Prelim Examination Report with annexes                               | <input type="checkbox"/> English translation of annexes to IPER                          |
| <input checked="" type="checkbox"/> Declaration/Power of Atty. (Executed) X                         | <input checked="" type="checkbox"/> Assignment with recordation form cover sheet         |
| <input checked="" type="checkbox"/> Info. Disclosure Statement/PTO 1449/Refs.                       | <input checked="" type="checkbox"/> Preliminary Amendment                                |
| <input type="checkbox"/> Check No. <input checked="" type="checkbox"/> Credit Card Payment Form No. | Amount: \$ 940.00  |
| <input checked="" type="checkbox"/> Others  | International Search Report; PCT/IB/304; 308, 1 <sup>st</sup> page WO 2005/038486        |

Filed By/For:

KMB:iyr

Date:

April 7, 2006